

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:12-HC-2092-BO

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
JAMES PIERRO,)	
Register No. 26029-050,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this Court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Pursuant to 18 U.S.C. Section 4247(b) and Standing Order filed November 14, 2011, ¶ 5(b), the Court hereby ORDERS Hy Malinek, Ph.D., to conduct a psychiatric or psychological examination of Respondent within 45 days of the entry of this order of appointment pursuant to the Standing Order, ¶5(f), and provide and file a written report containing the information prescribed in 18 U.S.C. § 4247(c) within 14 days after the examination.

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action. The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure

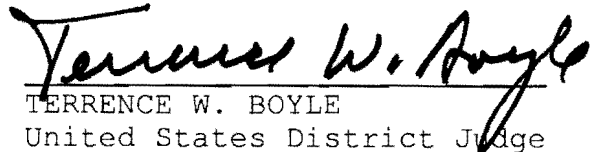
17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court hereby ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. § 4247(b), if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Pursuant to Fed. R. Civ. P. 5.2(d), L. Civ. R. 79.2, EDNC, and Section T of the Court's CM/ECF Administrative Policy Manual, any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, Respondents, independent examiners appointed by order of this Court, or other mental health professionals, are hereby Ordered to be filed under seal.

This 19 day of April, 2012.


TERRENCE W. BOYLE
United States District Judge